IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

DISTRICT:

CIVIL APPLICATION NO. 1364 OF 2006

IN

FIRST APPEAL (St.) NO. 5276 OF 2006

Office Notes,Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Mr. M.A.Utagikar for the Applicants.

None for the Respondents.

CORAM: S.B.DESHMUKH, J.

DATE : 18TH AUGUST,2006

P.C.:

Heard learned Counsel for the applicants. None appears for the respondents despite service.

2. By this application, the applicants are seeking condonation of delay of about 167 days occurred in filing the first appeal in this Court.

3. The applicants, in paragraph no.2, has alleged that initially the certified copy was applied and on

receipt of the copy, execution petition for recovery of the amount of compensation, was filed in the executing court. On advice from the advocate, they again applied for certified copy on 15th October, 2005 and thereafter filed this appeal in this Court. The applicants claim, in the claim petition was for the amount of Rs.4,00,000/-. The tribunal, after hearing the parties, awarded an amount of Rs.3,16,080/-. The applicants are not copacetic with the award passed the Tribunal. The appeal, therefore, is for enhancement of the compensation in this Court. The explanation tendered in the absence of reply affidavit is justifiable.

4. In this view of the matter, the delay of about 167 days in filing the first appeal is condoned. Civil application, accordingly, is allowed and disposed of.

Sd/-

(S.B.DESHMUKH, J.)